

REMARKS

The Office Action mailed July 26, 2005 has been carefully considered. Reconsideration in view of the following remarks is respectfully requested.

Claim Status and Amendment to the Claims

Claims 1-55 are now pending.

The Applicants are grateful for the indication of allowability of claims 44-47 and 50-51, subject to their re-writing in independent form. Claims 44 and 45 depend from claim 42. Claims 46 and 47 depend from Claim 40. Claims 50 and 51 depend from Claim 48. The nonstatutory double patenting rejection of Claims 40, 42, and 48 has been overcome by the filing herewith of a terminal disclaimer in compliance with 37 C.F.R. § 1.321(c). Claims 40, 42, and 48 being allowable, dependent claims 44-47 and 50-51 must also be allowable.

Claims 1, 9, 10, 18, 19, 33, 34, 37, 48, and 52 have been amended to further particularly point out and distinctly claim subject matter regarded as the invention. The text of Claims 2-8, 11-17, 20-28, 35-36, 38-39, 49-51, and 53-55 is unchanged, but their meaning is changed because they depend from amended claims.

The 35 U.S.C. § 112, Second Paragraph Rejection

Claims 1, 9, 10, 18, 19, 33, 34, 37, 48 and 52 were rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly

claim the subject matter applicant regards as the invention.¹ With this Amendment, Claims 1, 9, 10, 18, 19, 33, 34, 37, 48 and 52 have been amended to overcome the 35 U.S.C. §112 issues. Accordingly, the Applicants respectfully request the 35 U.S.C. § 112 rejection be withdrawn.

Judicially-created Double Patenting

Claims 1-43, 48-49 and 52-55 stand rejected pursuant to the judicially-created doctrine of obviousness-type double patenting as being unpatentable over claims 1-39 of prior United States patent No. 6,253,327.² Submitted herewith is a Terminal Disclaimer executed by the Attorney of Record in both the above-identified patent application and in United States Patent No. 6,253,327. Withdrawal of this rejection is respectfully requested.

Conclusion

It is believed that this Amendment places the above-identified patent application into condition for allowance. Early favorable consideration of this Amendment is earnestly solicited.

Allowable Subject Matter

The Examiner is thanked for finding of allowable subject matter in Claims 44-47 and 50-51 if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The Applicants acknowledge the Examiner's statement of reasons for allowance as set forth in the Office Action. However, the Applicants point out that the reasons for allowability of the above referenced claims are not limited to the reasons for allowance as set

¹ Office Action dated July 26, 2005, ¶ 2.

² Office Action, ¶ 3.

forth in the Office Action, and that additional reasons for allowability may exist, each of which may be independently sufficient to establish the patentability of one or more pending claims.

The Applicants respectfully reserve the right to introduce, articulate, or otherwise comment on any such additional reasons for allowance as may be appropriate in any future proceedings concerning the claimed invention.

If, in the opinion of the Examiner, an interview would expedite the prosecution of this application, the Examiner is invited to call the undersigned attorney at the number indicated below.

The Applicants respectfully request that a timely Notice of Allowance be issued in this case. Please charge any additional required fee or credit any overpayment not otherwise paid or credited to our deposit account No. 50-1698.

Respectfully submitted,

THELEN REID & PRIEST, LLP

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John P. Schaub
Reg. No. 42,125

Thelen Reid & Priest LLP
P.O. Box 640640
San Jose, CA 95164-0640
Tel. (408) 292-5800
Fax. (408) 287-8040